

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY ATENCIO,

Defendant.

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No. 1:21-CR-00584-001 KWR

UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

Jeremy Atencio, through counsel, requests that the court vacate the sentencing hearing currently set for June 1, 2022 and reset the sentencing hearing approximately 90 days from the currently-scheduled date. The government is not opposed to this request. In support of this motion, Mr. Atencio states the following:

1. Mr. Atencio pleaded guilty to a single count of burglary, contrary to 18 U.S.C. §§ 13 and 1152; and NMSA 1978, § 30-16-3B; pursuant to a plea agreement presented to the court on February 24, 2022.
2. Mr. Atencio has been out of custody since January 26, 2022, and has been compliant with the terms of release since that time. He continues to receive treatment as ordered by the court.
3. The Presentence Report is not yet complete. The presentence interview took place on May 5, 2022.

4. Once disclosed, defense counsel will need to review the Presentence Report with his client and based on that meeting, defense counsel may make informal objections to the PSR. Mr. Atencio may also be required to file formal objections.


5. Rule 32(e)(1) requires that the PSR be disclosed no later than 35 days prior to the sentencing hearing. After consultation with the PSR author and counsel for the government, defense counsel believes that a continuance of 90 days will be sufficient to prepare any necessary sentencing pleadings.

6. The government, through AUSA Frederick T. Mendenhall , III, does not oppose this request.

WHEREFORE, Mr. Atencio respectfully requests that this Court enter an order resetting the sentencing hearing in approximately 90 days.

Respectfully submitted,

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/s/ Electronically filed on 5/17/22

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